In the High Court of Punjab and Haryana at Chandigarh

C.R. No. 4717 of 2006
Date of Decision: 7.9.2006

United India Insurance Company Ltd. **---Petitioner**

Vs.

Vijay Kumar Sikka and others **---Respondents**

Coram: Hon'ble Mr. Justice Vinod K. Sharma

Present: Mr.Vinod Gupta, Advocate,
for the petitioner.

***

Vinod K. Sharma, J,(Oral)

The present revision has been filed against the order dated 1.6.2006 passed by the Motor Accident Claims Tribunal, Bhiwani, vide which the objection filed by the petitioner herein against the execution of award has been dismissed. The contention of the learned counsel for the petitioner was that as in the operative part of the judgment, the Motor Accident Claims Tribunal has held that the accident had occured due to contributory negligence of both the vehicles. Therefore, the liability of the Insurance Company should be limited to only 50 % as it was the insurer of the truck and not that of scooter. The learned executing court had dismissed the objections by holding that award passed by the Motor Accident Claims Tribunal, Bhiwani, did not hold the petitioner to be responsible for only 50% but for the whole of the amount . The learned Executing court has rightly come to the conclusion that the executing court cannot go behind the

decree and has rightly dismissed the objections filed by the petitioner.

No ground is made requiring interference of this Court.

The petition is dismissed.

(Vinod K. Sharma)
JUDGE

September 7,2006
paramjit